

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT DAYTON, OHIO

**IRON WORKERS DISTRICT COUNCIL
OF SOUTHERN OHIO & VICINITY
BENEFIT TRUST, et al.,**

Plaintiffs,

v.

**J & H REINFORCING AND
STRUCTURAL ERECTORS, INC., et al.,**

Defendants.

CASE NO. 3:18-CV-00017

JUDGE THOMAS M. ROSE

MAGISTRATE JUDGE SHARON L.
OVINGTON

**MOTION FOR ORDER TO DISBURSE
FUNDS HELD BY THIS COURT**

Plaintiffs hereby respectfully request an Order from this Court directing the Clerk's Office to disburse certain monies garnished in this matter, other than personal earnings, pursuant to O.R.C. 2716.13. On February 26, 2018, Plaintiffs initiated a garnishment in the above-captioned matter. Garnishee, U.S. Bank, answered on July 20, 2018. The total garnished and deposited with the Clerk's office was \$24,872.09. After the Plaintiffs initiated the garnishment action in this matter, but prior to the Answer of Garnishee U.S. Bank, Defendants made certain payments to the Plaintiffs totaling \$10,832.48. As a result of such payments made by the Defendants, the Judgment remains unsatisfied in the amount of \$14,039.61.

Plaintiffs hereby move that \$14,039.61 be disbursed by this Court, minus any poundage and costs to this Court, to the Judgment Creditors' counsel:

Faulkner, Hoffman & Phillips, LLC
c/o Joseph C. Hoffman, Jr., Esq.
20445 Emerald Parkway Drive, Suite 210
Cleveland, OH 44135

A proposed order is attached to this Motion.

Respectfully submitted,

/s/ David M. Pixley

Joseph C. Hoffman, Jr., Esq. (Ohio Reg. No. 0056060)

Joseph D. Mando, Esq. (Ohio Reg. No. 0082835)

David M. Pixley, Esq. (Ohio Reg. No. 0083453)

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2018, a copy of the foregoing Motion for Order was filed electronically using the Court's CM/ECF system. Notice of this filing and the supporting documents, will be sent to all parties by operation of the Court's electronic filing system. A copy of this filing has also been sent by first class mail to the following:

J&H Reinforcing and Structural Erectors, Inc.
1506 Tenth Street, P.O. Box 60
Portsmouth, OH 45662

Donald A. Hadsell
1506 Tenth Street, P.O. Box 60
Portsmouth, OH 45662

Defendants

/s/ David M. Pixley

David M. Pixley, Esq. (0083453)